

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LINO A. QUINTEROS VILLALTA, On
behalf of himself and others similarly
situated,

Plaintiff,

-against-

Cheeburger Cheeburger, George
Philippakos,

Defendants.

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MEMORANDUM AND ORDER

Case No. 16-CV-5862 (FB) (JO)

Appearances:

For the Plaintiff:

ANASTASI PARDALIS,
ELLEANA MAIDIOTIS,
JOSEPH D. NOHAVICKA,
ARIADNE ANNA PANAGOPOULOU
ALEXANDROU
Pardalis Nohavicka LLP
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For the Defendants:

ROBERT WILLIAM HELLNER,
HEATHER C. HILI,
MATTHEW P. GIZZO
Wood, Smith, Henning & Berman,
LLP
685 Third Avenue, 18th Floor
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BLOCK, Senior District Judge:

Plaintiff Lino A. Quinteros Villalta and Defendant Cheeburger Cheeburger jointly seek approval of a written Settlement Agreement dated August 14, 2017. The Court referred the matter to the assigned magistrate judge. On September 8, 2017, Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) concluding that the Settlement Agreement was fair and reasonable and recommending that it be approved.

The R&R warned that failure to file objections within fourteen days of receipt waives the right to appeal the district court's order. No objections to the R&R have been filed, and the time to file objections has elapsed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
December 4, 2017